



1714

Patent
Docket No.: 53494USA4B.017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark D. Purgett, David C. May, Mark D. Zender, Daniel
J. Willie and Thomas R. BordenSerial No.: 09/698,735
Filed: October 27, 2000
For: LIQUID PAVEMENT MARKING
COMPOSITIONS

Group Art Unit: 1714

Examiner: Cain, E.

#6
7/23/01RESPONSECommissioner for Patents
Washington D.C. 20231RECEIVED
JUL 19 2001
TC 1700

This correspondence is in response to the Office Action of 4-11-01.

REMARKS

Claims 37-46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,166,106. The Examiner alleges that the claims are not patentably distinct.

The Applicants would like to bring to the Examiner's attention that although the claims of the present application recite the same general features as U.S. Patent No. 6,166,106, the features, particularly the physical properties of the pavement marking composition, are claimed in a different manner.

Reconsideration is respectfully requested.

Respectfully submitted,

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Certificate of Mailing

Pursuant to 37 CFR 1.8 I certify that this correspondence is being deposited on the date indicated below with the United States Postal Service as First Class Mail addressed to the ~~Commissioner~~ Commissioner for Patents, Washington, D.C. 20231

Date: 11 July 2001

Signature: *Amber Nicholson*